

Chapter 6

ANIMALS***Sec.6-1. Definitions**

As used in this chapter, unless the content otherwise indicates:

Dog shall include both male and female canine species.

Cat shall include male and female feline species.

Owner shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog or cat.

At large shall mean off the premises of the owner, and not in the presence of and under the control of the owner, a member of his immediate family, or an agent of the owner. "Under control of such person" means that at all times the dog is prevented from causing injury, damage, disturbance and annoyance.

Municipal pound shall mean any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding and caring for animals under hygienic conditions held under the authority of this chapter or state law.

Vicious dog shall mean a dog which causes immediate fear or bodily harm by attack or threatening to attack a person.

Public nuisance shall mean any dog or cat which may be running at large, and creates a disturbance or menace off the premises of the animal's owner, through its stalking, barking, feces deposits or worrying another animal, shall be deemed to be creating disruption to the general public.

(Ord. of 5-9-89; Ord. of 6-9-92; Ord. of 4-18-01) Supp. No. 26.

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Sec. 6-2. Running at large.

A person who owns, harbors, keeps or controls a dog(s) shall not allow said dog(s) to run at large off the premises of said person's property on any public or private property.

(Ord. of 5-9-89; Ord. of 6-9-92)

Sec. 6-3. Disturbance by noise.

No person shall keep or harbor any dog or cat which, by frequent or long-continued noise, disturbs the comfort or repose of

persons in the vicinity.
(Ord. of 5-9-89; Ord. of 6-9-92)

Sec. 6-4. Impounding

(a) Any dog or cat running at large on public land or on land of other than the owner may be impounded by any police officer, constable or other person designated by the town for the control of dogs or cats after such person(s) has determined that the animal poses a health threat or has been identified as being a public nuisance.

(b) The impounding of any dog or cat for quarantine because of a bite to another animal or human shall be the decision of the investigating officer at that time. Impounding may be at the home of the animal's owner or at the kennel that the town designated as a town kennel. Under no circumstances will the animal be quarantined at a private nondesignated kennel, pet agency, or retail establishment.

(c) In the event that any dog or cat shall be impounded three (3) times (in a twelve-month period), the town acting by and through its board of selectmen may, at their discretion, hold a public hearing on the matter, after which they may order the animal placed for adoption or humanely destroyed.
(Ord. of 5-9-89; Ord. of 6-9-92; Ord. of 4-18-01)

Sec> 6-5. Notice to owner and redemption.

(a) No later than twenty-four (24) hours after impoundment of any dog or cat, the police department shall notify the owner by phone, if he has a listed number. After such notice or if the owner

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of the dog or cat is unknown to the impounder or can not be reached by phone, written notice shall be posted on or before 9:00 a.m. of the next following day in the municipal building describing the dog or cat and the time and the street where taken.

(b) In the event the dog or cat is impounded after 5:00 p.m. on Friday and before 9:00 a.m. on Mondays, and the owner cannot be notified by phone, within twenty-four (24) hours of impoundment, the police department shall attempt to notify the owner.

(c) The owner of any dog or cat so impounded may reclaim such dog or cat upon payment of the license fee, if unpaid, and all impoundment fees and other charges required under this chapter. A refundable cash bond in the amount of thirty-five dollars (\$35.00) may be paid by the owner in lieu of the license fee if the

town clerk's office is not open or the animal needs vaccination prior to licensing. This cash bond shall be returned to the owner upon proper licensing of the animal. Failure to properly license the animal within seven (7) days shall cause forfeiture of the cash bond and the owner shall be subject to all penalties provided for by ordinance. Upon reclamation of dogs or cats, the owner will be made aware of the violation and time and street where taken.

(d) The fee shall be paid in cash to the town treasurer, if open, or the police department.
(Ord. of 5-9-89; Ord. of 6-9-92; Ord. of 9-9-97)

Sec. 6-6. Disposition of unclaimed animal

It shall be the duty of the animal control officer or other official designated by the selectmen to keep all dogs or cats so impounded for a period of four (4) days. If, at the expiration of three (3) days from notification of impoundment as provided for in section 6-5, such dog or cat shall not have been redeemed, it may be sold, given away or disposed of in such a way as not to become a burden to the town.
(Ord. of 5-9-89; Ord. of 6-9-92)

Sec. 6-7. Impoundment fees; nonredemption of dogs or cats.

(a) Any dog or cat impounded under the provisions of this chapter shall be released only on payment of thirty dollars (\$30.00) impoundment fee for the first impoundment, a penalty of

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sixty dollars (\$60.00) for the second impoundment and a penalty of one hundred twenty dollars (\$120.00) for third penalty and for each penalty thereafter an additional seventy-five (\$75.00) shall be added to the third penalty.

(b) Any owner, if known, who elects not to redeem his/her dog or cat and does not pay the boarding fees, impoundment fees, or any other fees associated with the impoundment may be assessed all of said fees and charges in a civil action brought under this chapter.
(Ord. of 5-9-89; Ord. of 6-9-92; Ord. of 4-18-01)

Sec. 6-8. Violation notice.

In addition to, or in lieu of, impounding a dog or cat found at large, as defined in section 6-2, a municipal officer may issue to the known owner of such animal a municipal complaint pursuant to chapter 1, section 1-9.

(Ord. of 5-9-89; Ord. of 6-9-92; Ord. of 9-10-96)

Sec. 6-9. Penalties

Any person violating any provision of this chapter shall be punished by a fine pursuant to chapter 1, section 1-9. If any violation continues, each day's violation shall be deemed a separate violation. If any person is found guilty by a court violating any sections of this chapter, his permit to own, keep, harbor or have custody of animals may be revoked and no new permit issued.

(Ord. of 5-9-89; Ord. of 6-9-92; Ord. of 9-10-96)

Sec. 6-10. Vicious dog investigations

Upon written complaint by three (3) residents of the town that a dog is alleged to be vicious, the selectboard may hold a hearing on the facts of the complaint, and if the dog is found to be vicious, make such order as necessary to protect the public.

(Ord. of 5-9-89; Ord. of 6-9-92)

Sec. 6-11. License and rabies vaccination required.

(a) All dog or cat owners shall be required to annually register and license the animals in a manner prescribed by the town with the town clerk's office.

(b) All dog or cat owners shall obtain and be required to demonstrate proof of current rabies vaccination as a requirement of the annual license application.

(c) Pursuant to 20 V.S.A., section 3581(c), a dog license fee surcharge of one dollar (\$1.00) per license shall be added to those fees prescribed by law to establish an animal control and dog listing program as allowed by law.

Sec. 6-12. Authority of board of selectmen to formulate contracts, rules and regulations and develop policies to implement chapter.

The board of selectmen shall have the authority to formulate contracts, rules and regulations and develop policies to implement this chapter.

(Ord. of 5-9-89; Ord. of 6-9-92)

Chapter 9 - Article III Regulating Conduct in Colchester Parks

Section 9-38(a) 5 (f)

All dogs must be leashed on a maximum 6 foot leash. Dog droppings shall be removed from the path and the right of way by the person responsible for the dog.

Section 9-39)

Domestic animals shall not be permitted under any conditions at swimming and picnic areas.

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